



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
BIN C15700
Seattle, WA 98115-0070

Refer to:
OHB1999-0270-RI

May 20, 2002

Randall J. Butler
Colonel, Corps of Engineers
Portland District
P.O. Box 2946
Portland, OR 97208-2946

Subject: National Marine Fisheries Service Formal Endangered Species Act
Consultation on the Columbia River Channel Improvements Project

Dear Colonel Butler:

Enclosed is the final National Marine Fisheries Service (NMFS) biological opinion on the Columbia River Channel Improvements Project (Project). This consultation document responds to the U.S. Army Corps of Engineer's (Corps) 2001 biological assessment (BA) and the April 22, 2002, amendment letter to that BA.

NMFS' Endangered Species Act (ESA) review of the Project addresses effects to listed species that utilize the Lower Columbia River and estuary. Our review focuses on Project impacts that may affect 13 ESA-listed species and their habitats. Our analysis consisted of an examination of the current status and factors for decline of ESA-listed species, the environmental baseline in the action area, the effects of the proposed action, and the cumulative effects. Our ESA review of the Project is not an analysis of all possible Project-related effects to the Lower Columbia River ecosystem. The Corps' upcoming supplemental environmental impact statement prepared pursuant to the National Environmental Policy Act will be a more comprehensive examination of the Project's broader environmental impacts.

The biological opinion addresses the concerns raised in NMFS' August 25, 2000, withdrawal letter for our December 16, 1999, biological opinion. The May 20, 2002 biological opinion addresses new information regarding project effects on listed salmonid habitats. We used an independent science panel to review analytical methods and scientific data associated with the Project. The effects analysis for the biological opinion utilized the scientific information identified during the panel process, including the best available science provided by NMFS' Northwest Fisheries Science Center, which describes the effects of bathymetry on ecological conditions of the estuary, and new information regarding potential effects of contaminants that could be released by Project activities.

The issue of new critical habitat designations was also raised in NMFS' August 25, 2000, withdrawal letter. Critical habitat was designated for the ESA-listed species considered in this consultation. However, shortly before the issuance of this biological



opinion, a Federal court vacated the rule designating critical habitat for all evolutionary significant units considered in this document except Snake River sockeye, Snake River spring/summer chinook, and Snake River fall chinook. The analysis and conclusions regarding critical habitat remain informative for NMFS' application of the jeopardy standard even though they no longer have independent legal significance. If critical habitat is redesignated before the Corps' proposed action is fully implemented, the analysis will be relevant when determining whether reinitiation of consultation will be necessary at that time. For these reasons and the need for timely issuance of NMFS' biological opinion, the critical habitat analysis has not been removed from the NMFS document.

NMFS' August 25, 2000, withdrawal letter also expressed concern regarding the Corps' ability to restore estuarine habitats. This concern has been resolved. In their 2001 BA, the Corps proposed a set of ecosystem restoration features that are included in the proposed action that the Corps has committed to implement. These restoration actions will be funded by the Corps as integral Project components. Their effects are analyzed in the biological opinion, and included in the Incidental Take Statement.

Based on our review of the Project, NMFS concludes that the proposed action is not likely to jeopardize the continued existence of the 13 ESA-listed species potentially affected by the Project, or result in the destruction or adverse modification of designated critical habitat. NMFS has worked closely with the U.S. Fish and Wildlife Service and the Corps in a collaborative fashion to address the complex ESA issues associated with this Project. This unique process has allowed for a successful consultation. We look forward to our future joint participation in the adaptive management process, implementing the Project's monitoring program, and evaluating the success of the research and restoration actions.

If you have any questions regarding this biological opinion, please have your staff call Ms. Cathy Tortorici, NMFS Project Manager, at 503.231.6268.

Sincerely,

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D. Robert Lohn
Regional Administrator
National Marine Fisheries Services

cc: Kemper McMaster, FWS
Larry Paulson, Port of Vancouver
Don Simpson, CRITFIC